

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

City of Delano,

Complainant,

vs.

Union Pacific Railroad Company,

Defendant.

C.02-07-020  
(Filed July 15, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
SETTING THIRD PREHEARING CONFERENCE BY TELEPHONE  
AND REVISING SCHEDULE**

**Background**

Complainant City of Delano (City) filed this complaint against defendant Union Pacific Railroad Company (UPRR) alleging that seven at-grade railroad crossings in the City were in hazardous condition and in need of immediate repair. The City also alleged that some crossings were in need of upgraded signals. On October 8, 2002, the Scoping Memo and Ruling of Assigned Commissioner was issued, following the prehearing conference (PHC) held on September 24, 2002.

**Second Prehearing Conference**

A second PHC was held by telephone in this matter on December 16, 2002. Representatives of the City, UPRR, and Commission staff participated. The PHC

was set to discuss and resolve scheduling issues that had been raised by staff in a letter dated October 29, 2002.

During the PHC, the parties stated that they were working on settling this matter and discussed the status of their settlement efforts. Staff also stated its intention not to participate as a party unless the issue of the closure of two of the crossings were to be litigated. The parties, including staff, agreed that the timing of necessary steps in the settlement process, including consultation with CalTrans, suggested that the schedule for this proceeding be revised so that settlement efforts were not terminated prematurely. The City and UPRR stated that, if an evidentiary hearing (EH) were held on any aspect of this complaint, they would be able to stipulate to at least some factual matters. The parties agreed that a third PHC should be held to follow up on the status of settlement efforts and review scheduling prior to the EH.

### **Third Prehearing Conference**

A PHC in this matter is set as follows:

**Thursday, February 6, 2003**  
**2:00 p.m.**  
**By telephone for all parties**  
**Commission Courtroom**  
**State Office Building**  
**505 Van Ness Avenue**  
**San Francisco, CA 94102**

Parties may be connected to the telephonic PHC by calling **1-888-469-0692**. The pass code is **SIMON** and the leader of the conference call is **Administrative Law Judge (ALJ) Anne Simon**. Questions about the telephonic arrangements should be addressed to the Calendar Clerk at (415) 703-1203.

The purpose of the PHC is to discuss the status of settlement efforts, identify any further steps that need to be taken with respect to settlement, and

confirm scheduling and arrangements for the distribution of testimony and the EH, should that be necessary.

Note that there will be no reporter present at this PHC.

### **Revised Schedule**

On the basis of agreements made by the parties at the second PHC, the following revisions are made to the schedule for this proceeding:

March 7, 2003	End of formal discovery
March 7, 2003	Concurrent distribution of prepared testimony to all parties, with copy to ALJ
March 18, 2003	Concurrent distribution of prepared reply testimony, if any, to all parties, with copy to ALJ
March 25, 2003 10 a.m. to 4 p.m.	Evidentiary Hearing, Commission Courtroom, San Francisco
March 26 and 27, 2003 9 a.m. to 1 p.m.	Evidentiary Hearing, Commission Courtroom, San Francisco
To be determined at conclusion of hearing	Initial and reply briefs filed; submission of case

### **IT IS RULED** that:

1. A telephonic prehearing conference (PHC) is scheduled for Thursday, February 6, 2003, at 2:00 p.m., Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California, with call-in arrangements as set forth herein.

2. Staff shall ensure that the service list in this proceeding accurately reflects staff's intended participation.

3. The schedule for this proceeding is revised as set forth herein.

Dated December 27, 2002, at San Francisco, California.

/s/ ANNE E. SIMON  
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Anne E. Simon  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Third Prehearing Conference By Telephone And Revising Schedule on all parties of record in this proceeding or their attorneys of record.

Dated December 30, 2002, at San Francisco, California.

/s/ KRIS KELLER

Kris Keller

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.